



**AGENDA
SPECIAL CALLED CITY COUNCIL
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street ~ Leander, Texas

Thursday ~ March 27, 2014 at 6:00 PM



Mayor – Christopher Fielder

Place 1 – Andrea Navarrette

Place 4 – Ron Abruzzese

Place 2 – Kirsten Lynch

Place 5 – Jason Dishongh (Mayor Pro Tem)

Place 3 – Simon Garcia

Place 6 – David Siebold

City Manager – Kent Cagle

1. Open meeting
2. Roll Call

PUBLIC HEARING: NO ACTION

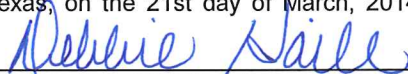
3. First public hearing on annexation of an area of land being 594 acres, more or less, being generally located along the planned northern extension of Lakeline Blvd. to Old 2243 West and including the abutting streets, roadways, and rights-of-way; being located in Williamson and Travis Counties, Texas and adjacent and contiguous to the city limits.
4. First public hearing on annexation of an area of land being 5.52 acres, more or less, being generally located north of CR 264 and east of Ronald Reagan Blvd. and including the abutting streets, roadways, and rights-of-way; being located in Williamson County, Texas and adjacent and contiguous to the city limits.
5. First public hearing on annexation of an area of land being 304.13 acres, more or less, and 52.290 acres, more or less, being generally described as the Ridgmar Landing area north of East Crystal Falls Parkway, south of RR 2243 and west of Ronald Reagan Blvd. and including the abutting streets, roadways, and rights-of-way; being located in Williamson County, Texas and adjacent and contiguous to the city limits.

REGULAR AGENDA

6. First Reading of An ordinance of the City of Leander, Texas, annexing 145.26 acres, more or less, and 52.290 acres, more or less, in Williamson County, Texas, being generally located at the Kittie Hill Airport location, north of Hero Way, west of Ronald Reagan Boulevard and south of the San Gabriel River and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.
7. Adjournment

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into executive session on any of the above posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [contract for gift to city], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at 512/ 528-2743 for information.** Hearing impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 512/ 528-2800. I certify that the above agenda for this Meeting of the City Council of the City of Leander, Texas, was posted on the bulletin board at City Hall, in Leander, Texas, on the 21st day of March, 2014 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.


Debbie Haile TRMC, City Secretary



Executive Summary

March 27, 2014

Agenda Subject: First public hearing on annexation of an area of land being 594 acres, more or less, being generally located along the planned northern extension of Lakeline Blvd. to Old 2243 West and including the abutting streets, roadways, and rights-of-way; being located in Williamson and Travis Counties, Texas and adjacent and contiguous to the city limits.

Background: The Resolution setting the two public hearings for March 27, 2014 and April 3, 2014 was approved by City Council on February 20, 2014. The first reading of the ordinance is scheduled for May 1, 2014 and the second and final reading is scheduled for May 15, 2014. This is an involuntary annexation.

Origination: City of Leander

Recommendation: Staff recommends that Council conduct the first public hearing on this annexation.

Attachments:

1. Resolution
2. Map
3. Annexation Schedule

Prepared by: Tom Yantis, AICP
Director of Development Services

3/20/14

RESOLUTION NO. 14-005-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF AN AREA OF LAND BEING 594 ACRES, MORE OR LESS, AND AN AREA OF LAND BEING 304.13 ACRES, MORE OR LESS, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; BEING LOCATED IN TRAVIS AND WILLIAMSON COUNTIES, TEXAS AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

WHEREAS, the subject properties are contiguous and adjacent to the corporate limits of the City and are within the extraterritorial jurisdiction of the City;

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or are completely surrounded by the current boundaries of the city, as more particularly shown in the exhibits attached hereto;

WHEREAS, the City, pursuant to §43.021, *Tex. Loc. Gov't. Code*, and the City Charter, is authorized to annex the subject properties; and

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to §43.052 (h)(1) of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

- (1) **North Lakeline Boulevard Area.** All that certain area of land containing 594 acres, more or less, located in both Travis County, Texas and Williamson County, Texas, being more particularly described and shown in Exhibit "A" attached hereto.
- (2) **Ridgmar Landing Area.** All that certain area of land containing 304.13 acres, more or less, located in Williamson County, Texas, being more particularly described and shown in Exhibit "A" attached hereto.


Two public hearings are set for the dates of March 27, 2014 and April 3, 2014. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

Section 3. Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 20th day of February, 2014.

ATTEST:


Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

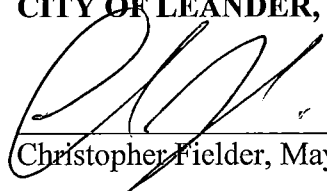

Christopher Fielder, Mayor



EXHIBIT “A”

EXHIBIT "B"

MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED INTO THE CITY OF LEANDER

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof ;

WHEREAS, the subject properties will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the following services shall be provided to the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided

by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

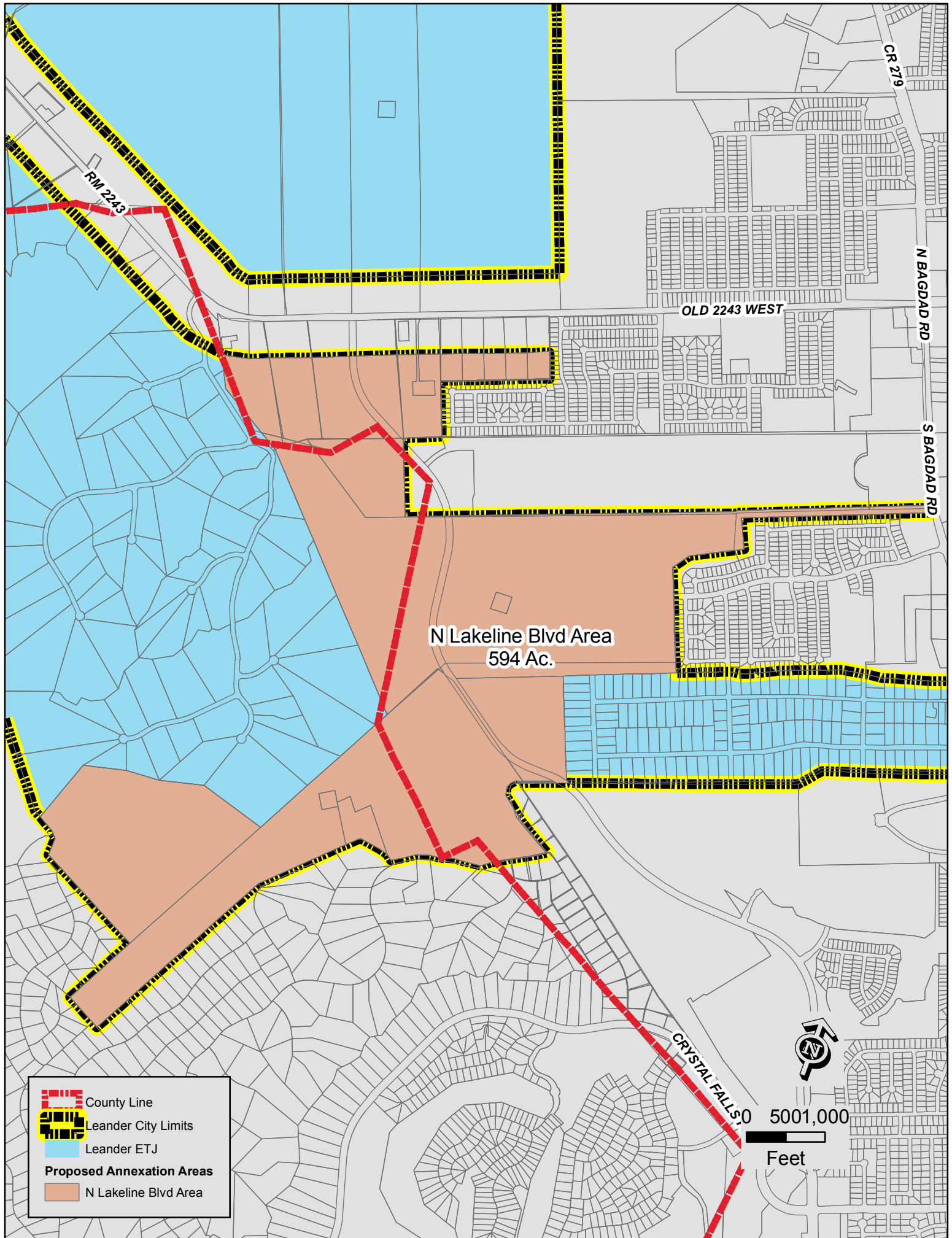
(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.



CR 279

RM 2243

N BAGDAD RD

S BAGDAD RD

OLD 2243 WEST


N Lakeline Blvd Area
594 Ac.

CRYSTAL FALLS




5001,000


Feet



County Line




Leander City Limits



Leander ETJ

Proposed Annexation Areas



N Lakeline Blvd Area

CITY OF LEANDER, TEXAS
SCHEDULE FOR INVOLUNTARY ANNEXATIONS
RIDGEMAR LANDING +/- 304.13 ACRES & N. LAKELINE BOULEVARD +/- 594

DATE	ACTION/EVENT	LEGAL AUTHORITY
February 20, 2014	COUNCIL BY WRITTEN RESOLUTION Directs notification to land owners; and sets two (2) Public Hearings March 27, 2014 and April 3, 2014 ; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
By February 24, 2014	NOTICE TO property owners & utility providers	Loc. Gov't Code § 43.062(a)
March 12, 2014** Publish notice of First Public Hearing and send school district notice	NEWSPAPER NOTICES RE: FIRST AND SECOND PUBLIC HEARINGS ; (If applicable, certified Notice to Railroad). POST NOTICE OF HEARINGS ON CITY'S WEBSITE AND MAINTAIN UNTIL HEARINGS COMPLETE ;	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
March 19, 2014** Publish notice of Second Public Hearings	SCHOOL DISTRICT NOTICE (notify each school district of possible impact w/in the period prescribed for publishing the notice of the First Public Hearing.)	Loc. Gov't Code § 43.905; send school district notice not less than 10 days nor more than 20 days before the First Public Hearing.
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
March 27, 2014*	1st PUBLIC HEARING AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) <i>SPECIAL CALLED MEETING</i>	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
April 3, 2014*	2nd PUBLIC HEARING AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) <i>REGULAR MEETING</i>	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date May 1, 2014*	FIRST READING OF ORDINANCE <i>REGULAR MEETING</i>	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
May 15, 2014; Or at a special called meeting after the May 1st First Reading	SECOND-FINAL READING OF ORDINANCE <i>REGULAR MEETING</i>	Not more than 90 days after 1 st reading of Ordinance § 43.064.
Within 30 days of Second Reading	CITY SENDS COPY OF MAP showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Within 60 days of Second Reading	CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO: <ol style="list-style-type: none"> 1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads 7. State Comptroller 8. Franchise Holders 	

***Dates in BOLD are MANDATORY dates to follow this schedule. Please advise if deviation.**

****Newspaper notices to paper by 5p.m. the preceding Wednesday**



Executive Summary

March 27, 2014

Agenda Subject: First public hearing on annexation of an area of land being 5.52 acres, more or less, being generally located north of CR 264 and east of Ronald Reagan Blvd. and including the abutting streets, roadways, and rights-of-way; being located in Williamson County, Texas and adjacent and contiguous to the city limits.

Background: The Resolution setting the two public hearings for March 27, 2014 and April 3, 2014 was approved by City Council on February 20, 2014. The first reading of the ordinance is scheduled for May 1, 2014 and the second and final reading is scheduled for May 15, 2014. This is a voluntary annexation.

Origination: Applicant

Recommendation: Staff recommends that Council conduct the first public hearing on this annexation.

Attachments:

1. Resolution
2. Map
3. Annexation Schedule

Prepared by: Tom Yantis, AICP
Director of Development Services

3/20/14

RESOLUTION NO. 14-004-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A PARCEL OF LAND BEING 5.52, MORE OR LESS, ACRES OF LAND LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the owners of certain property located within Williamson County, Texas, have petitioned the City of Leander, Texas, (herein the "City"), a home-rule City, for annexation of said property, more particularly described herein (the "subject property"), into the City limits;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City and the owners have made application for annexation;

WHEREAS, after review and consideration of such petition for annexation, the City Council finds that the property is exempt from the City's annexation plan pursuant to § 43.052 (h)(2) of the *Local Government Code*; and,

WHEREAS, the petitioners have agreed and consented to the annexation of the subject property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. The petition for annexation of the following property, including the abutting streets, roadways, and rights of way, not previously annexed into the City and the draft services plan shown in Exhibit "A", submitted by petitioners, is hereby accepted:

All that certain tract or parcel of land being 5.52 acres, more or less, located in Williamson County, Texas, being more particularly described in the instrument recorded under Document Number 2013103652, Official Public Records of Williamson County, Texas.

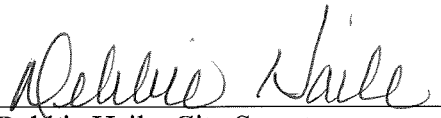
Two public hearings are set for the dates of March 27, 2014 and April 3, 2014. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

Section 3. Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 20th day of February, 2014.

ATTEST:


Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

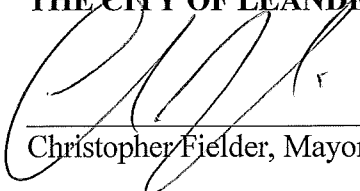

Christopher Fielder, Mayor



EXHIBIT "A"

MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED INTO THE CITY OF LEANDER

WHEREAS, the City of Leander, Texas (the "City") intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies.

New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

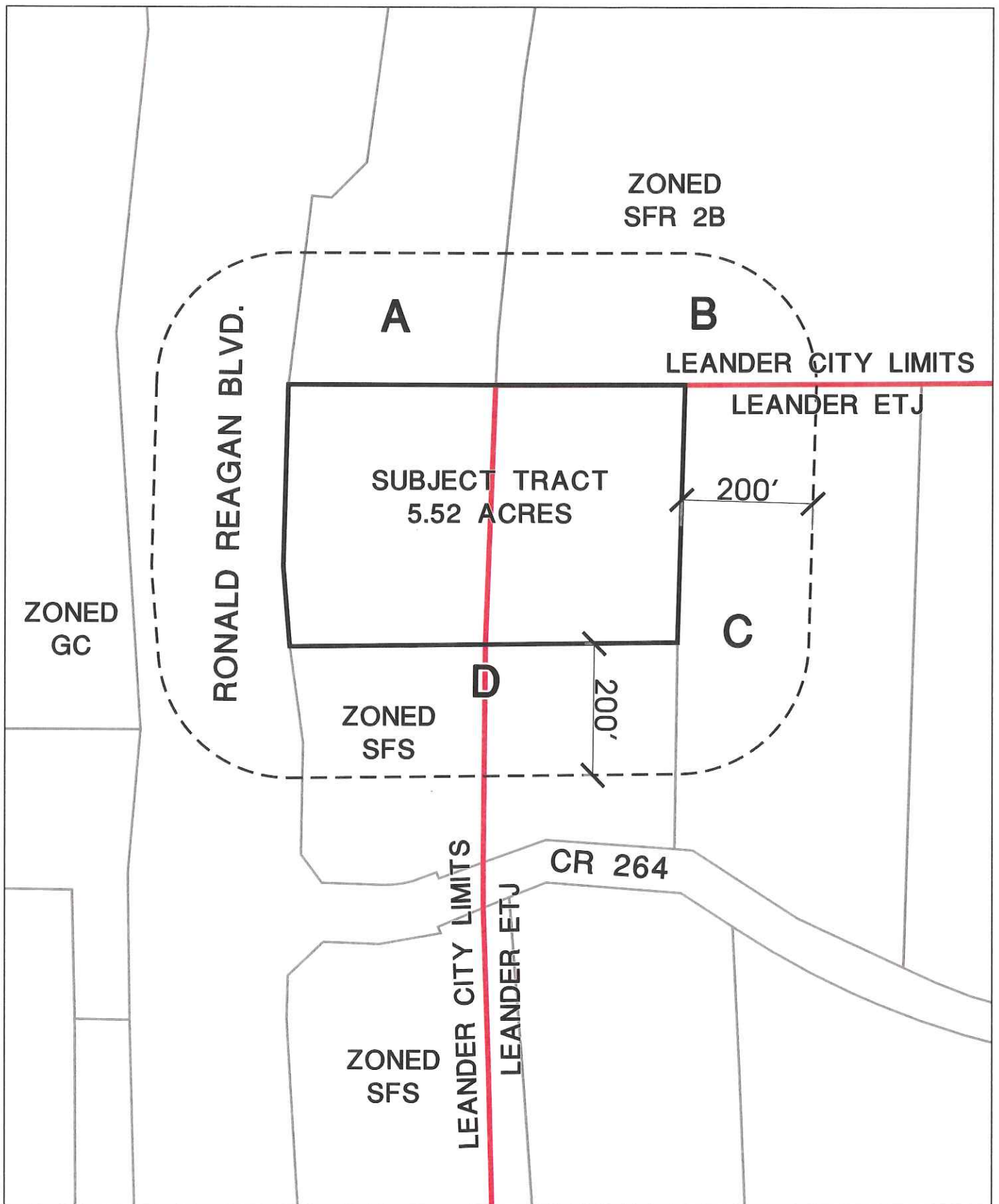
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Service Plan is attached.



SEC Planning, LLC

Land Planning + Landscape Architecture + Community Branding

AUSTIN, TEXAS
 (512) 246-7001 • (512) 246-7701
 www.secplanning.com • info@secplanning.com

TAX MAP with
 NEIGHBORING PROPERTIES

SPENN TRACT
 LEANDER, TEXAS



0 100 200 300

Scale: 1" = 200'

Date: January 14, 2014

SHEET FILE: C:\139127-ALCC\advis\PLANNING\Submittals\2014-01-14 Submittal\Zoning\Neighboring Properties.dwg

Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.

**SCHEDULE FOR VOLUNTARY ANNEXATION
SPENN TRACT +/- 2.701 ACRES**

DATE	ACTION/EVENT	LEGAL AUTHORITY
February 20, 2014	COUNCIL BY WRITTEN RESOLUTION Directs notification to land owners; and sets two (2) Public Hearings March 27, 2014 and April 3, 2014 ; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
By February 24, 2014	NOTICE TO property owners & utility providers	Loc. Gov't Code § 43.062(a)
March 12, 2014** Publish notice of First Public Hearing and send school district notice	NEWSPAPER NOTICES RE: FIRST AND SECOND PUBLIC HEARINGS ; (If applicable, certified Notice to Railroad). POST NOTICE OF HEARINGS ON CITY'S WEBSITE AND MAINTAIN UNTIL HEARINGS COMPLETE ;	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
March 19, 2014** Publish notice of Second Public Hearings	SCHOOL DISTRICT NOTICE (notify each school district of possible impact w/in the period prescribed for publishing the notice of the First Public Hearing.)	Loc. Gov't Code § 43.905; send school district notice not less than 10 days nor more than 20 days before the First Public Hearing.
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
March 27, 2014*	1st PUBLIC HEARING AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) <i>SPECIAL CALLED MEETING</i>	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
April 3, 2014*	2nd PUBLIC HEARING AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) <i>REGULAR MEETING</i>	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date May 1, 2014*	FIRST READING OF ORDINANCE <i>REGULAR MEETING</i>	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
May 15, 2014; Or at a special called meeting after the May 1st First Reading	SECOND-FINAL READING OF ORDINANCE <i>REGULAR MEETING</i>	Not more than 90 days after 1 st reading of Ordinance § 43.064.
Within 30 days of Second Reading	CITY SENDS COPY OF MAP showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Within 60 days of Second Reading	CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO: 1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads 7. State Comptroller 8. Franchise Holders	

***Dates in BOLD are MANDATORY dates to follow this schedule. Please advise if deviation.**

****Newspaper notices to paper by 5p.m. the preceding Wednesday**



Executive Summary

March 27, 2014

Agenda Subject: First public hearing on annexation of an area of land being 304.13 acres, more or less, and 52.290 acres, more or less, being generally described as the Ridgmar Landing area north of East Crystal Falls Parkway, south of RR 2243 and west of Ronald Reagan Blvd. and including the abutting streets, roadways, and rights-of-way; being located in Williamson County, Texas and adjacent and contiguous to the city limits.

Background: The Resolution setting the two public hearings for March 27, 2014 and April 3, 2014 was approved by City Council on February 20, 2014. The first reading of the ordinance is scheduled for May 1, 2014 and the second and final reading is scheduled for May 15, 2014. This is an involuntary annexation.

Origination: Applicant

Recommendation: Staff recommends that Council conduct the first public hearing on this annexation.

Attachments:

1. Resolution (including map and service plan)
2. Annexation Schedule

Prepared by: Tom Yantis, AICP
Director of Development Services

3/20/14

RESOLUTION NO. 14-005-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF AN AREA OF LAND BEING 594 ACRES, MORE OR LESS, AND AN AREA OF LAND BEING 304.13 ACRES, MORE OR LESS, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; BEING LOCATED IN TRAVIS AND WILLIAMSON COUNTIES, TEXAS AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

WHEREAS, the subject properties are contiguous and adjacent to the corporate limits of the City and are within the extraterritorial jurisdiction of the City;

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or are completely surrounded by the current boundaries of the city, as more particularly shown in the exhibits attached hereto;

WHEREAS, the City, pursuant to §43.021, *Tex. Loc. Gov't. Code*, and the City Charter, is authorized to annex the subject properties; and

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to §43.052 (h)(1) of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

- (1) **North Lakeline Boulevard Area.** All that certain area of land containing 594 acres, more or less, located in both Travis County, Texas and Williamson County, Texas, being more particularly described and shown in Exhibit "A" attached hereto.
- (2) **Ridgmar Landing Area.** All that certain area of land containing 304.13 acres, more or less, located in Williamson County, Texas, being more particularly described and shown in Exhibit "A" attached hereto.


Two public hearings are set for the dates of March 27, 2014 and April 3, 2014. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

Section 3. Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 20th day of February, 2014.

ATTEST:


Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

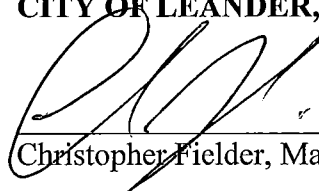

Christopher Fielder, Mayor



EXHIBIT “A”

EXHIBIT "B"

MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED INTO THE CITY OF LEANDER

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject properties are not included in the municipal annexation plan and are exempt from the requirements thereof ;

WHEREAS, the subject properties will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the following services shall be provided to the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided

by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

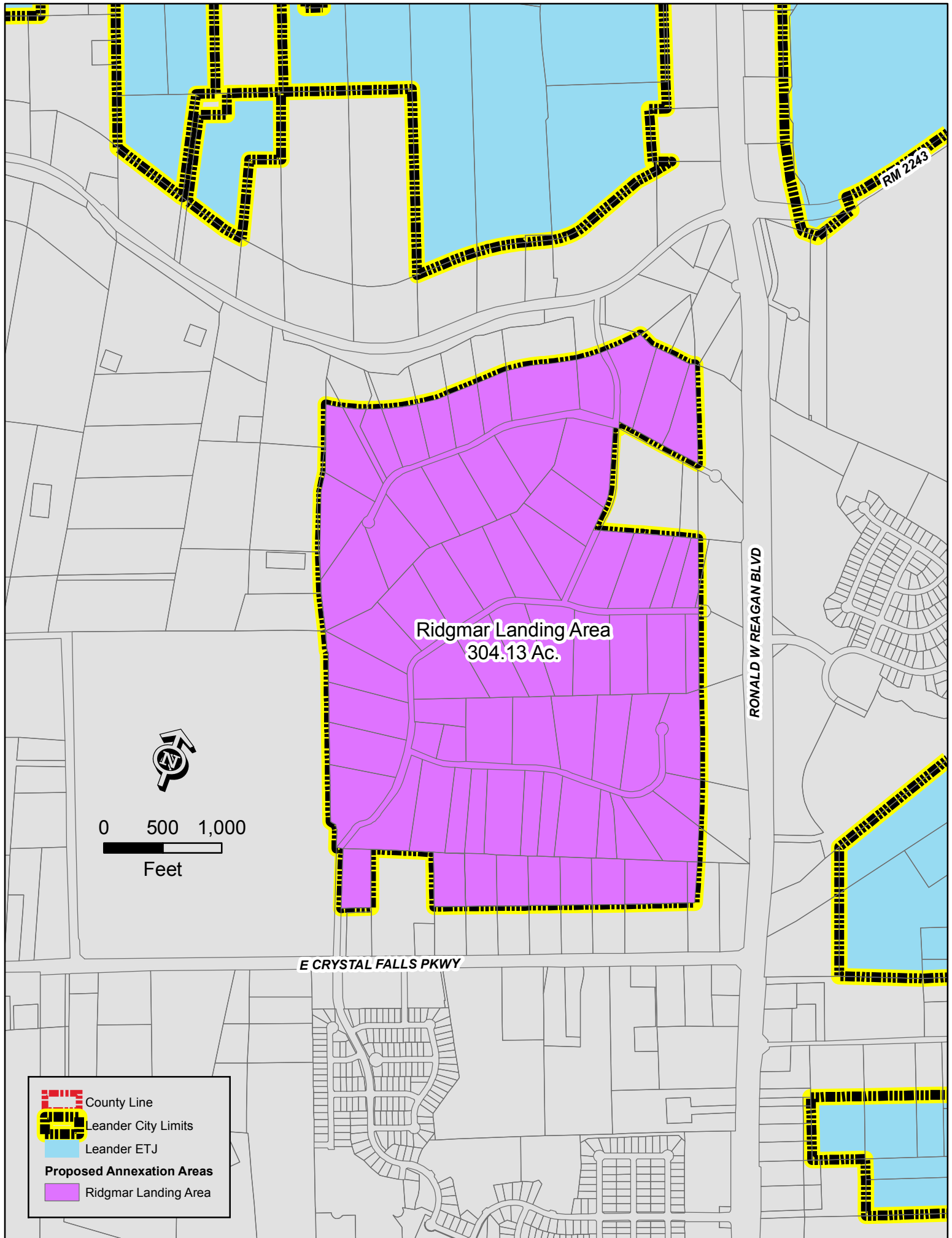
(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

- (ii) Routine maintenance as presently performed by the City;
- (iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
- (iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
- (v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject properties the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.



Ridgmar Landing Area
304.13 Ac.

RONALD W REAGAN BLVD

E CRYSTAL FALLS PKWY

RM 2243



0 500 1,000
Feet



County Line

Leander City Limits

Leander ETJ

Proposed Annexation Areas

Ridgmar Landing Area

CITY OF LEANDER, TEXAS
SCHEDULE FOR INVOLUNTARY ANNEXATIONS
RIDGEMAR LANDING +/- 304.13 ACRES & N. LAKELINE BOULEVARD +/- 594

DATE	ACTION/EVENT	LEGAL AUTHORITY
February 20, 2014	COUNCIL BY WRITTEN RESOLUTION Directs notification to land owners; and sets two (2) Public Hearings March 27, 2014 and April 3, 2014 ; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
By February 24, 2014	NOTICE TO property owners & utility providers	Loc. Gov't Code § 43.062(a)
March 12, 2014** Publish notice of First Public Hearing and send school district notice	NEWSPAPER NOTICES RE: FIRST AND SECOND PUBLIC HEARINGS ; (If applicable, certified Notice to Railroad). POST NOTICE OF HEARINGS ON CITY'S WEBSITE AND MAINTAIN UNTIL HEARINGS COMPLETE ;	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
March 19, 2014** Publish notice of Second Public Hearings	SCHOOL DISTRICT NOTICE (notify each school district of possible impact w/in the period prescribed for publishing the notice of the First Public Hearing.)	Loc. Gov't Code § 43.905; send school district notice not less than 10 days nor more than 20 days before the First Public Hearing.
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
March 27, 2014*	1st PUBLIC HEARING AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) SPECIAL CALLED MEETING	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
April 3, 2014*	2nd PUBLIC HEARING AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) REGULAR MEETING	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date May 1, 2014*	FIRST READING OF ORDINANCE REGULAR MEETING	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
May 15, 2014; Or at a special called meeting after the May 1st First Reading	SECOND-FINAL READING OF ORDINANCE REGULAR MEETING	Not more than 90 days after 1 st reading of Ordinance § 43.064.
Within 30 days of Second Reading	CITY SENDS COPY OF MAP showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Within 60 days of Second Reading	CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO: <ol style="list-style-type: none"> 1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads 7. State Comptroller 8. Franchise Holders 	

***Dates in BOLD are MANDATORY dates to follow this schedule. Please advise if deviation.**

****Newspaper notices to paper by 5p.m. the preceding Wednesday**



Executive Summary

March 27, 2014

Council Agenda Subject: An ordinance of the City of Leander, Texas, annexing 145.26 acres, more or less, and 52.290 acres, more or less, in Williamson County, Texas, being generally located at the Kittie Hill Airport location, north of Hero Way, west of Ronald Reagan Boulevard and south of the San Gabriel River and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters.

Background: The Resolution setting the two public hearings for February 20, 2014 and March 6, 2014 was approved by City Council on January 16, 2014. The first reading of the ordinance is scheduled for March 27, 2014 and the second and final reading is scheduled for April 3, 2014. This is a voluntary annexation in accordance with the development agreement for the development of the former Kittie Hill Airport property to be known as Palmera Ridge.

Origination: Applicant

Recommendation: Staff recommends that Council conduct the first reading of the annexation ordinance.

Attachments: Ordinance with exhibits

Prepared by: Tom Yantis, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING TWO PARCELS OF LAND BEING 145.26, MORE OR LESS, ACRES AND 52.290, MORE OR LESS, ACRES LOCATED IN WILLIAMSON COUNTY, TEXAS, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

WHEREAS, the owner(s) of the properties, as hereinafter described, made written request for the City to annex such properties in compliance with the *Tex. Loc. Gov't. Code*;

WHEREAS, the properties are adjacent and contiguous to the present city limits;

WHEREAS, the City Council heard and has decided to grant the owner's request that the City annex said properties;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the properties to be annexed according to the Service Plan attached hereto as Exhibit "B".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. All portions of the following described properties, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

- (1) All that certain tract or parcel of land being 145.26 acres, more or less, located in Williamson County, Texas, and being more particularly described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

- (2) All that certain tract or parcel of land being 52.290 acres, more or less, located in Williamson County, Texas, and being more particularly described in the Exhibit "A" attached hereto and incorporated herein for all purposes

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

SECTION 6. That the Annexed Property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 7. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2014.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2014.

ATTEST:

CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

Exhibit “A”

Property Descriptions



Landesign Services, Inc.

555 Round Rock West Drive
Bldg. D, Suite 170
Round Rock, Texas 78681
512-238-7901 office
512-238-7902 fax

EXHIBIT " "

METES AND BOUNDS DESCRIPTION

BEING A 145.26 ACRES OF LAND SITUATED IN THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, WILLIAMSON COUNTY, TEXAS, BEING COMPRISED OF ALL OF THE CALLED 92.621 ACRE TRACT DESCRIBED IN DEED TO DENSFORD AVIATION SERVICES, INC. RECORDED IN DOCUMENT NUMBER 2009070195 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.) AND ALL OF THE CALLED 52.640 ACRE TRACT PER METES AND BOUNDS DESCRIPTION PREPARED BY SHANE SHAFER R.P.L.S. NO. 5281 DATED APRIL 29, 2009; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a found 1/2" iron rod on the south line of said 52.640 acre tract, same being the northwest corner of Tract 2 of the Kittie Hill Acres a subdivision of record in Document Number 8419185 of the O.P.R.W.C.T. and recorded in Cabinet F, Slide 45 of the Plat Records of Williamson County Texas (P.R.W.C.T.) and being the northeast corner of a called 13.320 acre tract conveyed to Jack Scott Bradley, Amy L. Bradley, and Brian Gregory Holmes as recorded in Document Number 2000068029 of the O.P.R.W.C.T.;

THENCE South 68°56'56" West with the south line of said 52.640 acre tract, the north line of said 13.320 acre Bradley tract, the north line of a called 13.320 acre tract conveyed to Brian Olson and Charity M. Olson, husband and wife, and Gregory Olson and Hattie E. Olson, husband and wife, as recorded in Document Number 2001071867 of the O.P.R.W.C.T. and the north line of a called 13.371 acre tract conveyed to Charles Hoskins and Patricia Hoskins, husband and wife as recorded in Document Number 2002036263 of the O.P.R.W.C.T., passing at a distance of 445.22 feet the northwest corner of said 13.320 acre Bradley tract and the northeast corner of said 13.320 acre Olson Tract an continuing a total distance of 1332.94 feet to a found 1/2" iron rod for the southwest corner of said 52.640 acre tract, the northwest corner of said 13.371 acre tract, and being on the east line on a called 5.412 acre tract conveyed to Larry G. Miller and wife, Leslie M. Miller as recorded in Volume 2041, Page 124 of the Deed Records of Williamson County, Texas (D.R.W.C.T.);

THENCE North 21°52'40" West with the west line of said 52.640 acre tract and the east line of said 5.412 acre tract a distance of 196.23 feet to a found 1/2" iron rod for the northeast corner of said 5.412 acre tract, and the southeast corner of a called 19.99 acre

tract conveyed to Mila J. Milliorn recorded in Document Number 2006050300 of the O.P.R.W.C.T.;

THENCE with the west line of said 52.640 acre tract and the east line of said 19.99 acre tract, the following five (5) courses;

- (1) North 19°41'08" West a distance of 62.72 feet to a found 1/2" iron rod;
- (2) North 43°25'16" East a distance of 17.20 feet to a found 1/2" iron rod;
- (3) North 22°58'31" West a distance of 160.69 feet to a 60D nail found in the west side of a 12" Live Oak tree;
- (4) North 19°52'01" West a distance of 443.14 feet to a 40D nail found;
- (5) North 20°50'38" West a distance of 370.34 feet to a found 1/2" iron rod for the northeast corner of said 19.99 acre tract, and the southeast corner of a called 1.00 acre tract conveyed to Barbara E. Bratton described in Exhibit "B" document recorded in Volume 2722, Page 551 of the D.R.W.C.T.;

THENCE North 20°51'23" West with the west line of said 52.640 acre tract and the east line of said Exhibit "B" tract a distance of 208.65 feet to a found 1/2" iron rod for the northeast corner of said Exhibit "B" tract, and being at an angle point in of a 12.40 acre tract conveyed to Barbara E. Bratton described in Exhibit "A" document recorded in Volume 2722, Page 551 of the D.R.W.C.T.;

THENCE with the west line of said 52.640 acre tract and the east line of said Exhibit "A" tract, the following two (2) courses:

- (1) North 20°36'15" West a distance of 361.45 feet to a 40D nail;
- (2) North 22°06'13" West a distance of 313.49 feet to a 40D nail found for the northwest corner of said 92.621 acre tract;

THENCE with the west line of said 92.621 acre tract and the east line of said Exhibit "A" tract, the following two (2) courses:

1. North 16°45'36" West a distance of 74.85 feet to a 40D nail found in the north side of a 14" Live Oak tree;
2. North 22°32'12" West a distance of 105.96 feet to a found iron rod with plastic cap stamped "DIAMOND SURVEYING" for the northwest corner of said 92.621 acre tract, the northeast corner of said 12.40 acre tract, and in the south line of the called 226 acre tract conveyed to Lawrence Virgil Toungate and wife, Louise M. Toungate as described in Volume 922, Page 878 of the D.R.W.C.T.;

THENCE with the north line of said 92.621 acre tract and said south line of said 226 acre tract, the following two (2) courses:

- (1) North 69°16'48" East a distance of 509.14 feet to a 40D nail found;
- (2) North 68°42'17" East a distance of 1439.28 feet to a found 4" square concrete monument for the southwest corner of a called 100.16 acre tract conveyed to Huie H. Lamb, Jr., as described in Volume 2323, Page 739 of the O.P.R.W.C.T., and the southeast corner of said 226 acre tract;

THENCE with the north line of said 92.621 acre tract and the south line of said 100.16 acre tract, the following two (2) courses:

- (1) THENCE North 69°03'28" East a distance of 946.84 feet to a nail found in the south side of a 12" Cedar tree;
- (2) THENCE North 74°03'27" East a distance of 84.55 feet to a found 4" square concrete monument for the southeast corner of said 100.16 acre tract, and same the southwest corner of a called 9.53 acre tract of land conveyed to Parmer 274 Investments, LLC as described in Document Number 2012041079 of the O.P.R.W.C.T.;

THENCE with the north line of said 92.621 acre tract and said south line of said 9.53 acre tract, the following eleven (11) courses:

- (1) South 86°58'08" East a distance of 77.96 feet to a found 1/2" iron rod;
- (2) North 62°48'33" East a distance of 45.79 feet to a 40D nail found in root of 12" Cedar tree;
- (3) North 72°05'13" East a distance of 17.47 feet to a 40D nail found in 10" Cedar tree;
- (4) North 80°39'55" East a distance of 23.31 feet to a 60D nail found in base of fence post;
- (5) North 81°41'28" East a distance of 168.82 feet to a 60D nail found in 12" Cedar tree;
- (6) North 60°56'49" East a distance of 39.32 feet to a 40D nail found;
- (7) North 57°46'48" East a distance of 64.79 feet to a 60D nail found in 12" Cedar tree;
- (8) North 65°38'37" East a distance of 30.84 feet to a 60D nail found in 30" Live Oak tree;
- (9) North 68°16'06" East a distance of 158.61 feet to a 40D nail found;
- (10) North 68°25'55" East a distance of 127.34 feet to a 60D nail found in 10" Cedar tree;
- (11) North 72°46'46" East a distance of 108.25 feet to a found iron rod with plastic cap stamped "DIAMOND SURVEYING" for the northeast corner of said 92.621 acre tract, and in the existing west right-of-way line of Ronald Reagan Boulevard (right-of-way width varies);

THENCE with the existing west right-of-way line of Ronald Reagan Boulevard, and the east line of said 92.621 acre tract, the following five (5) courses and distances:

- (1) South 27°36'23" East a distance of 96.46 feet to a found iron rod with plastic cap stamped "DIAMOND SURVEYING";
- (2) South 15°07'44" East a distance of 55.83 feet to a set 1/2" iron rod with cap marked "LANDESIGN";
- (3) South 01°20'00" East a distance of 356.82 feet to a found iron rod with plastic cap stamped "DIAMOND SURVEYING";
- (4) South 10°10'14" East a distance of 100.76 feet to a found iron rod with plastic cap stamped "DIAMOND SURVEYING";
- (5) South 23°56'30" East a distance of 432.73 feet to a found 1/2" iron rod for the southeast corner of said 92.621 acre tract, and being on the north line of a called 57.07 acre tract conveyed to MP52 as recorded in Document Number 2012055771 of the O.P.R.W.C.T.;

THENCE with the south line of said 92.621 acre tract and the north line of said 57.07 acre tract, the following twelve (12) course and distances:

- (1) South 81°39'46" West a distance for of 531.74 feet to a found iron rod with plastic cap stamped "DIAMOND SURVEYING";
- (2) South 81°17'07" West a distance of 639.06 feet to a metal fence corner post;
- (3) South 09°38'31" East a distance of 164.03 feet to a found 1/2" iron rod;
- (4) South 80°18'44" West a distance of 586.19 feet to a found 1/2" iron rod;
- (5) South 09°17'01" East a distance of 36.68 feet to a found 1/2" iron rod;
- (6) South 68°47'48" West a distance of 142.01 feet to a found 1/2" iron rod;
- (7) South 00°28'08" East a distance of 272.60 feet to a found 1/2" iron rod;
- (8) South 59°00'22" East a distance of 567.45 feet to a metal fence post;
- (9) South 31°41'25" West a distance of 74.76 feet to a found 1/2" iron rod;
- (10) South 56°38'19" East a distance of 741.46 feet to a found 1/2" iron rod;
- (11) South 33°16'35" West a distance of 34.80 feet to a found 1/2" iron rod;
- (12) South 52°04'56" East a distance of 39.91 feet to a found 1/2" iron rod for the southwest corner of said 57.07 acre tract, and being on a the north line of Tract 7, Kittie Hill Acres;

THENCE with the south line of said 92.621 acre tract and the remainder of said Tract 7, the following two (2) courses:

- (1) South 51°39'00" East for a distance of 81.12 feet to a found iron rod with plastic cap stamped "DIAMOND SURVEYING";
- (2) South 17°00'35" West for a distance of 171.42 feet to a found 1/2" iron rod in the south line of said 92.621 acre tract, and in the existing north right-of-way line of Airport Drive (50' Right-of-Way);

THENCE North 71°58'26" West with the south line of said 92.621 acre tract and the north right-of-way line of Airport Drive, a distance of 328.07 feet to a 1/2" iron rod found for angle point in the south line of said 92.621 acre tract, and being the southeast corner of said 52.640 acre tract;


THENCE South 69°17'46" West with the south line of said 52.640 acre tract, the north line of said Kittie Hill Acres, passing an iron found for the northeast corner of said Tract 1, Kittie Hills Acres at a distance of 78.16 feet and continuing a total distance of 120.34 feet to a 1/2" iron rod found for an angle point in the south line of said 52.640 acre tract, and being in the north line of said Tract 1, said Kittie Hill Acres;

THENCE South 69°22'09" West with the south line of said 52.640 acre tract, the north line of said Tract 1, and the north line of said Tract 2 a distance of 681.39 feet to the POINT OF BEGINNING;

This parcel contains 145.26 acres of land, more or less, out of the Talbot Chambers Survey, Abstract No. 125 in Bell County, Texas.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 Datum.

I certify that the survey was performed on the ground under my supervision.

 28 SEPT 12
Joseph Beavers Date
Registered Professional Land Surveyor
State of Texas No. 4938





Landesign Services, Inc.
555 Round Rock West Drive
Bldg. D, Suite 170
Round Rock, Texas 78681
512-238-7901 office
512-238-7902 fax

EXHIBIT " "

METES AND BOUNDS DESCRIPTION

BEING 52.290 ACRES OF LAND SITUATED IN THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, WILLIAMSON COUNTY, TEXAS, BEING COMPRISED OF ALL OF THE REMAINDER OF A CALLED 57.07 ACRE TRACT DESCRIBED IN DEED TO MP52, LLC. RECORDED IN DOCUMENT NUMBER 2012022771 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.); AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the northeast corner of the remainder of the said 57.07 acre tract, the southeast corner of a called 92.621 acre tract to Densford Aviation services, Inc. described in Deed of Trust recorded in Document No. 2009070195 of the O.P.R.W.C.T., the northwest corner of a called 4.781 acre tract described in deed to Williamson County for right-of-way of Ronald Reagan Boulevard recorded in Document No. 2005069273 of the O.P.R.W.C.T., and the southwest corner of a called 3.249 acre tract described in deed to Williamson County for right-of-way of Ronald Reagan Boulevard in Document No. 2005019365 of the O.P.R.W.C.T., from which a 1/2" iron rod with "Diamond Surveying" cap found at an angle point in the east line of said 92.621 acres and west line of said 3.249 acres bears North 23°56'30" West a distance of 432.73 feet (record - North 23°56'07" West, 432.86 feet).

THENCE with the east line of the remainder of said 57.07 acres and the west right-of-way line of Ronald Reagan Boulevard the following three (3) courses:

1. South 23°56'30" East 180.18 feet (record – South 23°56'07" East, 180.18 feet) to a 1/2" rebar with plastic cap stamped "Landesign" set;
2. South 14°44'51" East 461.77 feet (record – South 14°43'59" East, 461.78 feet) to a 1/2" rebar with plastic cap stamped "Landesign" set;
3. South 24°16'14" East 603.74 feet (record – South 24°16'14" East, 603.74 feet) to a 1/2" rebar with plastic cap stamped "Landesign" set at the southeast corner of the remainder of the 57.07 acres, the southwest corner of the 4.781 acre tract, the northwest corner of a called 1.650 acre tract described in deed to Williamson County for right-of-way of Ronald Reagan Boulevard in said Document No. 2005069273 of the O.P.R.W.C.T., and in the north line of the remainder of Tract 11 of Kittie Hill Acres, a subdivision recorded in Cabinet F, Slide 45 of the Plat Records

of Williamson County, Texas, from which a 1/2" iron rod with "Diamond Surveying" cap found in the east line of the remainder of said Tract 11 and the west line of said 1.650 acre right-of-way tract bears South 16°24'47" East a distance of 202.58 feet ;

THENCE South 69°19'28" West with the south line of the 57.07 acres and the north line of Kittie Hill Acres, passing the end of the south right-of-way line of Airport Drive (50' right-of-way width, Kittie Hill Acres) and the northwest corner of Tract 8 of Kittie Hill Acres at a distance of 627.62 feet from which a 1/2" iron rod found bears South 28°28'21" East a distance of 0.53 feet, passing the end of the north right-of-way line of Airport Drive and the northeast corner of Tract 7 of Kittie Hill Acres at a distance of 691.62 feet from which a spindle found bears North 60°25'02" West a distance of 0.39 feet, and continuing for a total distance of 1274.49 feet to a 1/2" iron rod found for the southwest corner of the 57.07 acres, the northwest corner of the remainder of Tract 7 of Kittie Hill Acres and in the east line of said 92.621 acres, from which a 1/2" iron rod with "Diamond Surveying" cap found in the west line of the remainder of Tract 7 and the east line of said 92.621 acres bears South 51°39'00" East a distance of 81.12 feet (record - South 51°40'29" East 81.00 feet);

THENCE with the west and north lines the 57.07 acres and the east line of the 92.621 acres, the following twelve (12) courses;

1. North 52°04'56" West 39.91 feet (record – North 51°59'17" West, 39.98 feet) to a 1/2" rebar found;
2. North 33°16'35" East 34.80 feet (record – North 33°16'09" East, 34.77 feet) to a 1/2" rebar found;
3. North 56°38'19" West 741.46 feet (record – North 56°38'06" West, 741.54 feet) to a 1/2" rebar found;
4. North 31°41'25" East 74.76 feet (record – North 31°40'51" East, 74.76 feet) to a metal fence post;
5. North 59°00'22" West 567.45 feet (record – North 59°01'16" West, 567.44 feet) to a 60d nail found;
6. North 00°28'08" West 272.60 feet (record – North 00°28'40" West, 272.98 feet) to a 1/2" rebar found;
7. North 68°47'48" East 142.01 feet (record – North 68°53'43" East, 142.07 feet) to a 1/2" rebar found;
8. North 09°17'01" West 36.68 feet (record – North 09°32'30" West, 36.64 feet) to a 1/2" rebar found;
9. North 80°18'44" East 586.19 feet (record – North 80°17'38" East, 586.36 feet) to a 1/2" rebar found;

10. North 09°38'31" West 164.03 feet (record – North 09°37'55" West, 164.03 feet) to a metal fence post;

11. North 81°17'07" East 639.06 feet (record – North 81°17'43" East, 639.14 feet) to a 1/2" iron rod with "Diamond Surveying" cap found;

12. North 81°39'46" East 531.74 feet (record – North 81°40'13" East, 531.66 feet) to the POINT OF BEGINNING;

This parcel contains 52.290 acres of land, more or less, out of the Talbot Chambers Survey, Abstract No. 125 in Williamson County, Texas.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 Datum.

I certify that the survey was performed on the ground under my supervision.

David R. Hartman 8/22/2013
David R. Hartman Date
Registered Professional Land Surveyor
State of Texas No. 5264



Exhibit “B”

MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED INTO THE CITY OF LEANDER

WHEREAS, the City of Leander, Texas (the “City”) intends to institute annexation proceedings for the tract(s) and parcel(s) of land described more fully hereinafter (the “subject property”);

WHEREAS, the owner of the subject property (the “Owner”) has requested annexation of the subject property and *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure shall be provided for the subject property pursuant to the terms and conditions of the “Development and Annexation Agreement (Kittie Hill Property)” (the “Development Agreement”); provided that, except for municipal service provided for in the Development Agreement, municipal services shall be provided on the same terms and conditions as such services are provided to other similarly situated properties currently within the City; and

WHEREAS, it is found that all requirements have been satisfied and the City is authorized by the City Charter and *Ch. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows: Routine patrols of accessible areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows: Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services will be provided with the present personnel and equipment.

C. Solid waste collection services as follows: Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows: Service by present personnel, equipment and facilities, or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows: On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the subject property, and, until the zoning of the subject property is established by ordinance after annexation, the ETJ Property, as such term is defined in the Development Agreement, shall be temporarily zoned "SFR-1-B"; provided that the ETJ Property shall be entitled to be developed with the land uses as more specifically provided in the Development Agreement. It is the City's intent to zone the subject property at the Owner's request in a manner that is not inconsistent with such uses, as provided in the Development Agreement. The Planning & Zoning Commission and the City Council will consider the applicant's request to process a zoning application and zone the subject property for such use and development following final annexation of the subject property.

I. Library service: Service by present personnel, equipment, and facilities within the City.

J. Storm Water Management: Owner will provide storm water system at its own expense, which will be inspected by City Engineers at the time of completion. The City will then maintain the storm water system upon acceptance of the system by the City.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) The City intends to provide water services to the subject property pursuant to the Development Agreement, and the terms of the Development Agreement applicable to water service are incorporated herein by reference. Save and except as provided in the Development Agreement, the City will provide water service in accordance with the applicable ordinances, rules, regulations, and policies of the City in effect from time to time for the extension of water service. The Owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of the water lines within the subject property and any off-site improvements required by the Development Agreement, water service will be provided by the City utility department on the same terms, conditions and requirements as are

applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The water system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. In the event of a conflict between this Municipal Services Plan and the Development Agreement for the subject property, the terms and provisions of the Development Agreement shall govern and control.

B. Wastewater service and maintenance of wastewater facilities as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) The City intends to provide wastewater services to the subject property pursuant to the Development Agreement, and the terms of the Development Agreement applicable to wastewater service are incorporated herein by reference. Save and except as provided in the Development Agreement, the City will provide wastewater service in accordance with the applicable rules and regulations for the provision of wastewater service in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. The Owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines within the subject property and any off-site improvements required by the Development Agreement, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. In the event of a conflict between this Municipal Services Plan and the Development Agreement for the subject property, the terms and provisions of the Development Agreement shall govern and control.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the existing streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation, dedication and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, subject to and except as provided within the terms, conditions and requirements of the Development Agreement, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The Owner agrees that no improvements are required by the City on such roadways to service the subject property; provided that improvements may be required by the Owner under the City Rules, as such term is defined in the Development Agreement.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated by the City after the effective date of the annexation: None. Upon development of the subject property, save and except as provided in the Development Agreement, the Owner will be responsible for the development costs the same as a developer in a similarly situated area. Capital Improvements shall be designed, constructed and installed by the Owner as provided in the Development Agreement.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.